

AR:ar

The recessed meeting was called to order at 9:45 a.m. with all Members being present, with the exception of Supervisor Berger and Supervisor Hanley, and with Chairman Davis presiding.

Supervisor Hanley arrived at 10:00 a.m.

Supervisor Berger was absent from the entire meeting.

Others present were Richard A. King, Acting County Executive; Robert L. Howell, Acting County Attorney; Theodore Austell, III, Executive Assistant to the County Executive; William Howland, Assistant to the County Executive; and Annie M. Richardson, Office of the Clerk to the Board of Supervisors.

BOARD MATTERS

2.USE OF THE NEW EXERCISE FACILITY BY SCHOOL

SYSTEM EMPLOYEES (Tape 1)

(P)Chairman Davis stated that some years ago when the County exercise facility at the Massey Complex was established, the school system declined to contribute to its cost. He added that, consequently, school employees were prohibited from using the facility, and this policy has remained in effect with the move to the New Government Center.

With an acknowledgement that the cost of the new exercise room is unrelated to the expense of the old facility, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Acting County Executive communicate the policy change to the School Board which states that school system employees are permitted to use the exercise facility at the New Government Center under the same guidelines which apply to County employees. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent from the meeting.

3.EXCEPTIONAL DESIGN AWARD PROGRAM (Tape 1)

Supervisor Davis noted that the Exceptional Design Award Program, which recognizes achievement in the total design of building and site, has sent its submission materials package out to the public with a June 3, 1992 deadline. Supervisor Davis moved that the Board authorize the creation of a new category to be included this year

in recognition of the Affordable Dwelling Unit Projects. He added that this will help publicize the County and the Board's ongoing efforts and commitment in support of affordable housing. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent from the meeting.

4. RATIFICATION OF NEWLY ELECTED GOVERNING

BOARD OF THE MCLEAN COMMUNITY CENTER

(Tape 1)

(APPT)

On behalf of Supervisor Berger, Supervisor Davis moved that the Board ratify the newly elected Governing Board of the McLean Community Center as follows:

•Adults:

*Carole L. Herrick;

*Wanda C. Hill; and

*Issam M. Saliba.

•Youths:

*Brett Prince (McLean High School Area); and

*Jeanne LaSala (Langley High School Area).

This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent from the meeting.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

5. WAIVER OF FILING FEES FOR SPECIAL PERMIT

SP 89-S-047 (BURKE PRESBYTERIAN CHURCH

PRESCHOOL) (Tape 1)

Supervisor Bulova stated that in December 1989, the Board of Zoning Appeals (BZA) granted a Special Use Permit to the Burke Presbyterian Church to operate a preschool. Supervisor Bulova noted that the BZA had allowed two years for the use to be established and that the preschool is operating; however, some unforeseen problems arose in their efforts to get an occupancy permit. Since the preschool does not have an occupancy permit, the Special Permit has expired and a new application has to be filed.

Therefore, Supervisor Bulova moved that the Board direct staff to waive the filing fees and ask the BZA to expedite the case in order that it may be heard before the August 1992 recess or at the BZA's first meeting in September 1992. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent from the meeting.

6. BOARD OF ZONING APPEALS: A PLACE TO PARK

(Tape 1)

Supervisor Alexander stated that it has come to his attention that the BZA has been informed that its members will no longer have reserved parking spaces at the Massey Building, even though the BZA will continue to meet several times a month in the Massey Building Board Room. Supervisor Alexander asked unanimous consent that the Board direct the Acting County Executive to make certain that the BZA Members have a reserved place to park when they are meeting. Without objection, it was so ordered.

7. REAPPOINTMENT OF MASON DISTRICT REPRESENTATIVE TO THE TRANSPORTATION ADVISORY COMMISSION

(Tape 1)

(APPT)

Supervisor Trapnell moved the reappointment of Mr. John H. Rust, Jr. as the Mason District Representative to the Transportation Advisory Commission. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent.

8. REVITALIZATION BOND MONEY FOR PLANTINGS IN THE MEDIAN STRIP ON ROUTE 236 IN ANNANDALE

(Tape 1)

Supervisor Trapnell moved that the Board direct staff to make \$50,000 available immediately from Revitalization Bond money for plantings in the median strip on Route 236 in Annandale. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent.

9. REQUEST FOR EXPEDITIOUS APPROVAL FOR OUT-OF-TURN

CONSIDERATION FOR SPECIAL EXCEPTION FOR ELMWOOD

HOUSE (Tape 1)

Supervisor Trapnell stated that the Saint Albans Housing Corporation which owns the land and improvements known as Lockwood House is in direct competition for funding from the United States Department of Housing and Urban Development to construct a new facility at that location. She noted that the new facility, which is called the Elmwood House, will provide affordable housing for the elderly and handicapped. If successful in the competition, the Elmwood House can be a major asset to Fairfax County just as Lockwood House has proven to be.

In order to advance and encourage the competitiveness of this proposal, Supervisor Trapnell moved that the Board provide this application for Special Exception expeditious approval by out-of-turn consideration. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent.

10. C-3 - APPROVAL TO RELEASE A REQUEST FOR PROPOSAL

(RFP) TO ACQUIRE A CONSULTANT TO PROVIDE

LOBBYIST SERVICES (Tape 1)

(NOTE: Action on Consideration Items One and Two was taken at the Board of Supervisors' meeting held on May 4, 1992.)

The Board next considered an item contained in the Memorandum to the Board dated May 27, 1992 regarding the Board of Supervisors' desire to obtain a consultant to provide Lobbyist services in the areas of Education, Housing, Human Services, and Transportation.

Following discussion, Chairman Davis called the Board's attention to the first paragraph, third line, of handwritten page (2) of the Advertisement. He relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board approve adding the words, "and legislation..." after the words, "...to provide assistance in securing funding....". The first paragraph of the advertisement would read as follows:

- "Fairfax County, Virginia, a suburb of Washington, D.C., is soliciting proposals, including a statement of qualifications from consultants and government relations firms, to provide assistance in securing funding and legislation from the federal government for various projects and initiatives to be undertaken by the County. These initiatives will include, but not be limited to, education, housing, human services, and transportation funding."

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor Dix referred to the top of handwritten page (4), bullet three, and asked unanimous consent that the Board approve the deletion of the words, "...or the County Executive." at the end of the sentence, with the third bullet to read as follows:

- "Speak for and represent the County in federal legislative matters only in conformance with the County's policies or upon the express direction of the Project Manager in conformance with policies of the Board of Supervisors."

With a notation of the two changes above, Supervisor Hyland moved that the Board of Supervisors approve the release of a Request for Proposal (RFP) to acquire a consultant to provide lobbyist services in the areas of education, housing, human services, and transportation. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent.

**11.DEFERRAL OF BOARD DECISION ON PROPOSED
AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE),
SECTION 4-11-3 TO INCREASE THE TAX NOW
LEVIED ON CIGARETTES SOLD OR USED**

WITHIN THE COUNTY (Tape 1)

(NOTE: The public hearing was held on April 7, 1992 and Board decision deferred until April 21, 1992. Board decision was further deferred until April 27, 1992 and again until May 27, 1992.)

Supervisor Hyland moved that the Board indefinitely defer decision on the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-11-3 to increase the tax now levied on cigarettes sold or used within the County. This motion was seconded by Supervisor Trapnell and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent.

12.9:30 A.M. - BOARD DECISION ON SPECIAL EXCEPTION

APPLICATION SE 91-S-013 (BURKE VILLAGE CENTER ASSOCIATES, LIMITED PARTNERSHIP) (SPRINGFIELD DISTRICT) (Tape 1)

(NOTE: The public hearing on this application was held on May 4, 1992 and decision deferred until May 27, 1992.)

Supervisor McConnell moved to defer the Board decision on Special Exception Application SE 91-S-013 until **June 8, 1992 at 2 p.m.** This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent.

13.ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN AMENDMENT TO THE RESOLUTION ADOPTING TAX RATES AND THE SEWER AVAILABILITY RATE STRUCTURE FOR FAIRFAX COUNTY TAXES

(Tape 1)

(A)(NOTE: Actions on Administrative Items One through Six were taken at the Board of Supervisors' meeting held on May 4, 1992.)

Supervisor Hyland moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on **June 22, 1992 at 4:30 p.m.** to add Small District Four Mount Vernon to the Refuse Service List in the Resolution adopting Tax Rates and the Sewer Availability Rate Structure for Fairfax County Taxes. This motion was seconded by Supervisor Trapnell and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent.

**14.A-17 - AUTHORIZATION TO ADVERTISE PUBLIC
HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF
THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION
ORDINANCE), AND CHAPTER 112 (ZONING ORDINANCE);
AND TO THE FAIRFAX COUNTY PUBLIC FACILITIES
MANUAL (PFM) REGARDING CHESAPEAKE BAY AND
EROSION SEDIMENT CONTROL REGULATIONS (Tape 1)**

(A)

(R)(NOTE: Actions on Action Items One through 16 were taken at the Board of Supervisors' meeting held on May 4, 1992.)

On motion of Supervisor Alexander, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Hanley not yet having arrived, Supervisor Berger being absent, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 17, 1992 and before the Board of Supervisors on **July 13, 1992 at 3:30 p.m.** on the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), and Chapter 112 (Zoning Ordinance); and to the Fairfax County Public Facilities Manual (PFM) regarding the Chesapeake Bay and Erosion and Sediment Control Regulations.

ADDITIONAL BOARD MATTERS

15.AFFORDABLE DWELLING UNIT ORDINANCE

(Tape 1)

Supervisor Hyland asked unanimous consent that the Board direct the Acting County Attorney to review the present policy with regard to the Affordable Dwelling Unit Ordinance, specifically that which applies to giving preference for affordable housing units to those qualified individuals in the community who reside closest to the units being made available. Without objection, it was so ordered.

16."CHILDREN AT PLAY" SIGNS ON BABCOCK ROAD

(Tape 1)

Supervisor Hanley moved that the Board direct staff to:

- Investigate the possibility of installing "Children At Play" signs on the Virginia Department of Transportation (VDOT) right-of-way, which will be paid for by the concerned residents of Babcock Road; and
- Review the criteria which Fairfax County has established for "Children At Play" signs.

This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Berger being absent.

17.BOARD ADJOURNMENT OF RECESSED MEETING (Tape 1)

At 10:00 a.m., the Board adjourned its meeting recessed from Monday, May 4, 1992.

AR:ar

The special meeting was called to order at 10:05 a.m. with all Members being present, with the exception of Supervisor Berger, and with Chairman Davis presiding.

Supervisor Berger was absent from the entire meeting.

Others present were Richard A. King, Acting County Executive; Robert L. Howell, Acting County Attorney; Theodore Austell, III, Executive Assistant to the County Executive; William Howland, Assistant to the County Executive; Jennifer L. Clemmensen, Susan B. Erskine, and Annie M. Richardson, Office of the Clerk to the Board of Supervisors.

2. 10:00 A.M. - PH TO ADOPT AN AMENDMENT TO THE

**CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4
(TAXATION AND FINANCE) RELATING TO THE
CONSUMER UTILITY TAX RATE FOR RESIDENTIAL
TELEPHONE SERVICE (Tape 1)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of May 5 and May 12, 1992.

Following the public hearing, which included testimony by one speaker, Supervisor Alexander moved that the Board adopt the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 6 (Utility Tax), Section 4-6-2(a)(4) relating to the consumer utility tax rate charged for residential telephone service monthly billings. This motion was seconded by Supervisor Bulova with the stipulation that staff will provide the Board with additional information with regard to the number of persons in Fairfax County who use the \$2.50 service available to Medicaid participants in the County and the revenue impact should this group be exempted from this increase. The question was then called on the motion which **CARRIED** by a recorded vote of eight, Supervisor Dix voting "NAY," Supervisor Berger being absent.

**3.10:00 A.M. - PH TO AMEND THE CODE OF THE COUNTY
OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC)
INCREASING THE LICENSE FEE IMPOSED ON CERTAIN MOTOR
VEHICLES (Tape 1)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of May 5 and May 12, 1992.

Following the public hearing, which included testimony by three speakers, and input from James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Hyland asked unanimous consent that the Board direct staff to look into the possibility, in the future, of using a portion of the increase in fees towards motorcycle safety education (as suggested by Speaker Number Two, Richard Merrill, representing the Potomac Area Road Riders). Without objection, it was so ordered.

Following the testimony of Speaker Number Three, James Bensberg, representing the American Motorcyclist Association, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to explore the possibility of increasing the number of motorcycle parking spaces at the public buildings in Fairfax County. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor Alexander moved that the Board adopt the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to increase the local motor vehicle license fee charged for motorcycles and certain other vehicles as advertised. This motion was seconded by Supervisor Trapnell and **CARRIED** by a recorded vote of eight, Supervisor Dix voting "NAY," Supervisor Berger being absent.

**4. 10:00 A.M. - PH TO CONSIDER THE ADOPTION OF A
FEE FOR ANNUAL PERMITS FOR PRIVATE SCHOOL, DAY
CARE CENTERS AND HAIR DRESSING ESTABLISHMENTS
AND THE ADOPTION OF A FEE INCREASE FOR ANNUAL
PERMITS FOR SWIMMING POOLS AND PET SHOPS**

(Tape 1)

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of May 5 and May 12, 1992.

Following the public hearing, with input from a representative of the Department of Health, Supervisor Frey asked unanimous consent that the Board direct staff to investigate the possibility of charging fees to restaurants in Fairfax County and return with an Information Item on this matter on June 8, 1992. Without objection, it was so ordered.

After further discussion, Supervisor Hyland moved that the Board adopt the proposed amendments to the Code of the County of Fairfax, Chapter 22 (Hairdressing Establishment), Section 22-1-5; Chapter 30 (Minimum Private School and Child Care Facility Standards), Section 30-2-1; Chapter 41 (Animals and Fowl), Section 41-4-4; and Chapter 69 (Swimming Pool Ordinance), Sections 69-1-5 and 69-1-9 relating to

fees charged for certain regulatory services provided by the Health Department. This motion was seconded by Supervisor Alexander and **CARRIED** by a recorded vote of five, Supervisor Dix and Supervisor Trapnell voting "NAY," Supervisor Hanley and Supervisor McConnell abstaining, Supervisor Berger being absent.

**5. 10:00 A.M. - PH ON PROPOSED AMENDMENTS TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR
VEHICLES AND TRAFFIC), RELATING TO A PENALTY FEE
INCREASE FOR FAILURE TO OBTAIN AND DISPLAY A
CURRENT FAIRFAX COUNTY MOTOR VEHICLE REGISTRATION
DECAL (Tape 1)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of May 5 and May 12, 1992.

Following the public hearing, Supervisor Hanley moved that the Board adopt the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 10 (Motor Vehicle License Tax), Section 82-10-10(c) relating to penalty fees charged for the failure to obtain and display a current Fairfax County motor vehicle registration decal. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor Berger being absent.

**6. 10:00 A.M. - WORK SESSION ON PROPOSED AMENDMENT
TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112
(ZONING ORDINANCE) REGARDING COMMERCIAL RETAIL
AND INDUSTRIAL DISTRICTS (Tapes 2-4)**

Following the May 4, 1992 public hearing on the above-referenced proposed Zoning Ordinance Amendment, the Board established a work session for discussion of the proposed amendment. The amendment consists of various alternatives ranging from a total deletion of the Zoning Ordinance Amendment (ZOA) 89-185 to modifications of the existing provisions to retention of the existing Zoning Ordinance provisions. The various alternative proposed amendments are as follows:

- Alternative 1 which revises the current provisions, establishes a new C-9 Super-Regional Retail Commercial District and contains a grandfather provision which revises the grandfather for ZOA 89-185 and establishes a grandfather provision for this alternative amendment;
- Alternative 2 which is a complete repeal of ZOA 89-185;
- Alternative 3 which contains changes suggested by the citizens representing the Amicus organizations which filed Amicus briefs with the Virginia Supreme Court in support of the County's appeal of the Circuit Court decision on ZOA 89-185. It is noted that Alternative 3 represented those groups' position during the series of meetings conducted on this issue in December, 1991 and early 1992, and does not necessarily continue to be the position of these groups; and
- Planning Commission recommended amendment which revises the current provisions, provides for a new C-9 District and contains a grandfather provision for this proposed amendment.

There was discussion by Board Members, with input from the following staff members:

- Anthony H. Griffin, Deputy County Executive for Planning and Development;
- James P. Zook, Director, Office of Comprehensive Planning (OCP); and
- Jane W. Gwinn, Director, Zoning Administration Division, OCP.

JDC:jdc

Following a query to staff, Supervisor Hanley asked unanimous consent that the Board direct staff to report with a list of priorities of the Phase III process of the County's Comprehensive Plan. Without objection, it was so ordered.

(Tape 4)

Following additional discussion among Board Members, with input from Mr. Zook and Ms. Gwinn, Supervisor Hanley asked unanimous consent that the Board direct staff to report with a chart analyzing Alternative 1A, the Planning Commission's recommendation, and Alternative 4. Without objection, it was so ordered.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to prepare a map to display at the June

8, 1992 Board Meeting which depicts the industrial-zoned areas of the County. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

ADDITIONAL BOARD MATTERS

7. ORIENTATION TO THE BOARD ROOM IN THE NEW GOVERNMENT

CENTER (Tape 4)

Supervisor Hanley announced that the next Board of Supervisors meeting would be held in the New Government Center.

Following a query from Supervisor Hanley, Theodore Austell, III, Executive Assistant to the County Executive, responded that an orientation to the New Government Center is scheduled for the week of June 2nd.

Chairman Davis delegated to Mr. Austell the task of coordinating with Board Members the assignments for offices located behind the Board Room.

8. FAIRFAX COUNTY SCHOOLS RECEIVED DRUG FREE

AMERICA AWARDS (Tape 4)

Chairman Davis announced that Channel Four had sponsored a "Drug Free America Awards." He added that three Fairfax County schools had received awards. Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the following schools be invited to appear before the Board on June 8, 1992:

- Gunston Elementary School;
- Thoreau Intermediate School; and
- Herndon High School.

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

9. RETIREMENT OF MS. MURIEL STRICKLAND FROM THE

FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD

(Tape 4)

(BACs)

Supervisor Trapnell stated that Ms. Muriel Strickland is retiring from the Fairfax/Falls Church Community Services Board. She asked unanimous consent that the Board direct staff to prepare a Certificate of Appreciation and invite Ms. Strickland to appear before the Board. Without objection, it was so ordered.

10. BOARD ADJOURNMENT OF SPECIAL MEETING (Tape 4)

At 12:35 p.m., the Board adjourned its special meeting.